



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

February 28, 2007

In the Matter of
**Notice of Coverage, Waiver of Waste Discharge Requirements for
Minor Dredging and Fill Activities**
for the

**MANCHESTER RIDGE TIMBERLAND CONVERSION (THP 1-040012 MEN):
WDID NO. 1B06182WNME**

RECEIVING WATER: Lower Alder Creek
COUNTY: Mendocino County

BY THE EXECUTIVE OFFICER:

1. This Notice of Coverage provides notice that certain activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution 2002-0080. On December 5, 2006, Mr. Jeff Longcrier, on behalf of Manchester Ridge LLC (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341), and/or Waste Discharge Requirements for dredge/fill activities, with the Regional Water Board for activities associated with the Manchester Ridge Timberland Conversion (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 29, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The purpose of the Project is to address three sedimentation reduction structures that were previously installed in 2002. This is an after-the-fact Notice of Coverage. The Project is part of a conversion project, from timber land to vineyard. This Project is only for the three sedimentation structures and does not address the remaining proposed timberland to vineyard conversion, which is under oversight of the California Department of Forestry, the timber division of the Regional Water Board, and the California Department of Fish and Game (Streambed Alteration Agreement No. 1600-2004-0691-3). The U.S. Army Corps of Engineers is not issuing a Clean Water Act 404 permit for this project.
3. The Project consisted of installation of three erosion control structures in an unnamed watercourse that is tributary to Alder Creek. The structures act to capture

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sediment from upslope vineyards and roads. The lower structure consists of a truck road crossing with a 48-inch pipe installed approximately three feet high in the road fill. Both the inlet and outlet sides of the fill have been reinforced with rock rip rap and concrete. The area between the bottom of the watercourse and the pipe acts as a sediment basin. The middle structure is a small silt pond approximately 10 feet wide by 10 feet long created by placing a three to four foot high rock rip rap and concrete dam in the watercourse. The upper structure is a detention basin constructed in the watercourse. The detention basin has been constructed by placing rock rip rap, soil and wooden planks across the watercourse. This structure is approximately three feet high by 10 feet wide and has created a detention basin 20 feet wide by 100 feet long. The total fill area is approximately 500 square feet. The area filled is offset by the area that was increased by construction of the detention basin. It is unclear if the Project was constructed within waters of the state; however, it is evident that it may have an impact on waters of the state. The Regional Water Board does not currently allow construction of in-stream detention or sedimentation basins, and current requirements for such a project would be different now than at the time of construction of the Project. Since the time the Project was constructed, all of the disturbed soil has revegetated. Because the Project involves the discharge of waste that may affect waters of the state, the Regional Water Board has regulatory jurisdiction under Water Code Section 13260.

4. In general, a project done without a permit or Notice of Coverage would require additional compensatory mitigation to account for the violation. However, this project is considered to be self mitigating due to its benefit to water quality by removing sediment from potentially entering Alder Creek. Additionally, all of the disturbed areas have become revegetated. Maintenance of the structures to remove sediment and debris shall be conducted as needed. Revegetation of the structures shall be completed after maintenance activities.
5. The remainder of the work to be completed for the timber to vineyard conversion requires regulatory oversight by the Regional Water Board, the California Department of Forestry and the California Department of Fish and Game. Non-compensatory mitigation will be achieved through the use of temporary silt control barriers, seeding and mulching as necessary, and other appropriate measures to minimize the risk of soil transport to downstream areas. Mitigation methods are described in the submitted erosion control plan.
6. Impacts to waters of the state and United States are minimal because the primary purpose of the Project is to prevent sediment from entering waters of the state United States. The Project has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the state and United States.
7. The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has adopted Mitigated Negative Declaration for Resolution 2002-0080, on October 24, 2002, pursuant to CEQA.

Receiving Water: Ephemeral watercourse tributary to Lower Alder Creek
Hydrologic Sub Area No.113.63, Mendocino Coast
Hydrologic Unit No.113.00

Latitude/Longitude: 38° 59' 26.31762"N / 123° 37' 24.23936" W

Filled or Excavated Area: Area Permanently Impacted: 0.01 acres of ephemeral watercourse

Expiration: This Notice of Coverage expires on October 15, 2007.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE MANCHESTER RIDGE TIMBERLAND CONVERSION PROJECT (FACILITY NO. 1B06182WNME), as described in the Application, is hereby covered under the Waiver, provided that Project complies with the following terms and conditions:

1. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
2. The construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. No monitoring and reporting program is required, as it is not in the public interest. Therefore, I have determined that the Project is covered by the Waiver.
3. The following is a partial listing highlighting selected standard provisions from Resolution 2002-0080:
 - a. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
 - b. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
 - c. "The Project shall not create a pollution, contamination, or a nuisance, as defined by California Water Code Section 13050."
 - d. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution 2002-0080."
 - e. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."
4. The following from Resolution 2002-0080 apply specifically to dredge and fill activities.

"The Applicant shall comply with the following additional conditions:

 - a. Discharges shall be non-toxic, short term, discharges to land.

- b. The Project shall not result in a net loss of wetlands or beneficial uses.
 - c. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements.”
5. Please be aware that a failure to implement the Project according to the project description and other information submitted in the Application, or violation of any of the terms contained in the Waiver and this Notice, may result in the revocation coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.
6. Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions.

Catherine E. Kuhlman
Executive Officer

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Enclosure: Waiver Policy (Res. 2002-0080)

Original sent to: Manchester Ridge LLC, 321 South Main Street. #525, Sebastopol, CA 95472

Copies sent to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Mr. Philip Shannin, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94105

Ms. Samantha Olson, SWRCB, Office of the Chief Counsel

Ms. Tracie Nelson, Department of Fish and Game, Region 3, P.O. Box 47, Yountville, CA 94599

Ms. Cherie Blatt, North Coast Regional Water Quality Control Board

Mr. Jeff Longcrier, North Coast Resource Management, P.O. Box 435, Calpella, CA 95418

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